

NORTHERN TERRITORY OF AUSTRALIA

SENTENCING (CRIME OF MURDER) AND PAROLE REFORM
AMENDMENT ACT 2008

Act No. 8 of 2008

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 8 of 2008

An Act to amend the *Sentencing (Crime of Murder) and Parole Reform Act*

[Assented to 15 May 2008]
[Second reading 30 April 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Sentencing (Crime of Murder) and Parole Reform Amendment Act 2008*.

2 Act amended

This Act amends the *Sentencing (Crime of Murder) and Parole Reform Act*.

3 Amendment of section 19 (DPP may apply for longer or no non-parole period)

(1) Section 19, heading

omit, substitute

Application to extend or exclude non-parole period

(2) Section 19(1)

omit

The Supreme Court may

substitute

Subject to this section, the Supreme Court may

- (3) Section 19(3), after "any of the following circumstances"

insert

(the ***prescribed circumstances of aggravation***)

- (4) After section 19(5)

insert

- (6) The Director of Public Prosecutions:

(a) must make an application under this section in the case of a particular prisoner if of the opinion that one or more of the prescribed circumstances of aggravation can be established; and

(b) may make an application under this section in the case of any other prisoner to whom this Division applies.

- (7) If any of the prescribed circumstances of aggravation is established on an application under this section:

(a) the Supreme Court's power to dismiss the application under subsection (1)(b) is excluded; and

(b) the Court must exercise its power under subsection (1)(a) to revoke the non-parole period fixed by section 18; and

(c) the Court must exercise one of the following powers:

(i) fix a non-parole period of 25 years in accordance with subsection (3);

(ii) fix a longer non-parole period in accordance with subsection (4);

(iii) refuse to fix a non-parole period in accordance with subsection (5).

- (8) However, if no prescribed circumstance of aggravation is established on an application under this section, the Supreme Court may (as formerly):

(a) dismiss the application under subsection (1)(b); or

(b) exercise its power under subsection (1)(a) to revoke the

non-parole period fixed by section 18 and:

- (i) fix a longer non-parole period in accordance with subsection (4); or
 - (ii) refuse to fix a non-parole period in accordance with subsection (5).
- (9) If, before the commencement of this subsection, an application under this section had been dismissed in a case in which a prescribed circumstance of aggravation was, or could have been, established, a further application may be made under this section within 6 months after that commencement.
- (10) The further application may be made either by the Director of Public Prosecutions or by the Attorney-General and, if made by the Attorney-General, references in this Division to the Director of Public Prosecutions will, in relation to that application, be read as references to the Attorney-General.